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2 Richard J. Mooney (CA State Bar No. 176486)

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3 RIMON P.C.

2019 Century Park East #400N

Los Angeles, CA 90067

5 Telephone: (310) 935-0805

6 Attorneys for Petitioners

Martha's Music for the services of William P. Corgan dba the Smashing Pumpkins

7 Cinderful Music as publishing designee of William P. Corgan

8
9 UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11
12 In re Subpoena to Google, Inc.

CV 16 80064 MISC.
CASE NO. _____

13
14 Declaration of Richard Mooney in Support of
15 Request to the Clerk for Issuance of Subpoena
16 to Google, Inc. Pursuant to 17 U.S.C. § 512
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CLERK OF DISTRICT COURT
NO. DIST. OF CA.

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1
2 I, Richard J. Mooney, declare as follows.
3

4 1. I am a partner at Rimon P.C., counsel for Martha's Music for the services of
5 William P. Corgan dba the Smashing Pumpkins and Cinderful Music as publishing designess of
6 William P. Corgan ("Petitioners"), and am admitted to practice in California and before this Court. I
7 make this declaration based on personal knowledge, and if called as a witness I could and would
8 testify competently to the following facts.
9

10 2. I am authorized to act for Petitioners in this matter.

11 3. I submit this declaration in support of Petitioners' request for issuance of a
12 subpoena to Google pursuant to 17 U.S.C. § 512(h) to assist in identifying the person(s) who have
13 uploaded to YouTube material that is protected by Petitioners' copyrights.

14 4. Pursuant to 17 U.S.C. § 512(c)(3)(A), Petitioners submitted notifications to
15 Google, Inc. identifying the infringing posted content and providing the information required by
16 statute. True and correct copies of those notifications are attached hereto as Exhibit A.

17 5. The purpose of the subpoena requested is to obtain the identity of an alleged
18 infringer or infringers, and any information obtained will be used only for the purpose of protecting
19 Petitioners' rights.
20

21 I declare under penalty of perjury under the laws of the United States and of
22 California that the foregoing is true and correct. Executed on March 16, 2016, in San Francisco,
23 California.
24

25 

26 Richard J. Mooney
27
28

EXHIBIT A

Richard Mooney

From: Les Watkins
Sent: Tuesday, March 15, 2016 11:41 AM
To: Richard Mooney
Subject: FW: Copyright Infringement Notification Confirmation--1

From: Ben Rodriguez [mailto:benrod1@gmail.com]
Sent: Tuesday, March 15, 2016 11:37 AM
To: les.watkins@rimonlaw.com
Cc: taylor@deckstar.com; B-Rod3000 Rodriguez <ben@deckstar.com>
Subject: Fwd: Copyright Infringement Notification Confirmation

----- Forwarded message -----

From: YouTube Service <noreply@youtube.com>
Date: Mon, Mar 14, 2016 at 11:37 AM
Subject: Copyright Infringement Notification Confirmation
To: benrod1@gmail.com



Copyright Infringement Notification Confirmation

Thank you for taking the time to submit your copyright complaint to YouTube. We will review your submission shortly.

Here is the information you filled in:

Copyright Owner Name (Company Name if applicable): Deckstar Your Full Legal Name (Aliases, usernames or initials not accepted): Ben Rodriguez Your Title or Job Position (What is your authority to make this complaint?): Marketing Director Address: 8671 Wilshire Blvd Suite 400 Beverly Hills, CA 90211 US Username: Ben Rodriguez Email Address: benrod1@gmail.com Phone: [310-207-1037](tel:310-207-1037)

- URL of allegedly infringing video to be removed: <http://www.youtube.com/watch?v=EiaWyEWo5Wk>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Machina
- Where does the content appear? Entire video

Country where copyright applies: US

I state UNDER PENALTY OF PERJURY that:

- I am the owner, or an agent authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
- This notification is accurate.
- I acknowledge that under Section 512(f) of the DMCA any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability for damages.
- I understand that abuse of this tool will result in termination of my YouTube account.

Authorized Signature: Ben Rodriguez

Sincerely,

— The YouTube Team

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©2016 YouTube, LLC 901 Cherry Ave, San Bruno, CA 94066

--

Best Regards,
Ben Rodriguez
Mobile: 619.502.0762
AIM: benrodd1
Skype: benrod10

Richard Mooney

From: Les Watkins
Sent: Tuesday, March 15, 2016 11:42 AM
To: Richard Mooney
Subject: FW: Copyright Infringement Notification Confirmation--3

From: Ben Rodriguez [mailto:benrod1@gmail.com]
Sent: Tuesday, March 15, 2016 11:38 AM
To: les.watkins@rimonlaw.com
Cc: taylor@deckstar.com; B-Rod3000 Rodriguez <ben@deckstar.com>
Subject: Fwd: Copyright Infringement Notification Confirmation

----- Forwarded message -----

From: YouTube Service <noreply@youtube.com>
Date: Sat, Mar 12, 2016 at 3:19 PM
Subject: Copyright Infringement Notification Confirmation
To: benrod1@gmail.com



Copyright Infringement Notification Confirmation

Thank you for taking the time to submit your copyright complaint to YouTube. We will review your submission shortly.

Here is the information you filled in:

Copyright Owner Name (Company Name if applicable): Deckstar Your Full
Legal Name (Aliases, usernames or initials not accepted): Ben Rodriguez
Your Title or Job Position (What is your authority to make this complaint?):
Marketing Director Address: 8671 Wilshire Blvd Suite 400 Beverly Hills, CA
90211 US Username: Ben Rodriguez Email Address: benrod1@gmail.com
Phone: [310-207-1037](tel:310-207-1037)

- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=Xa2Q8DmanJg>
- Describe the work allegedly infringed: My
company, organization or client's original song

- Title of original song: Machina
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=XeXYZhyGx-U>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: Machina
 - Where does the content appear? Entire video

Country where copyright applies: US

I state UNDER PENALTY OF PERJURY that:

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- I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
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- I acknowledge that under Section 512(f) of the DMCA any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability for damages.
- I understand that abuse of this tool will result in termination of my YouTube account.

Authorized Signature: Ben Rodriguez

Sincerely,

— The YouTube Team

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--

Best Regards,
Ben Rodriguez
Mobile: 619.502.0762
AIM: benrodd1
Skype: benrod10

Richard Mooney

From: Les Watkins
Sent: Tuesday, March 15, 2016 11:46 AM
To: Richard Mooney
Subject: FW: Copyright Infringement Notification Confirmation--4

From: Ben Rodriguez [mailto:benrod1@gmail.com]
Sent: Tuesday, March 15, 2016 11:45 AM
To: les.watkins@rimonlaw.com
Cc: taylor@deckstar.com; B-Rod3000 Rodriguez <ben@deckstar.com>
Subject: Fwd: Copyright Infringement Notification Confirmation

----- Forwarded message -----

From: YouTube Service <noreply@youtube.com>
Date: Fri, Mar 11, 2016 at 12:41 PM
Subject: Copyright Infringement Notification Confirmation
To: benrod1@gmail.com



Copyright Infringement Notification Confirmation

Thank you for taking the time to submit your copyright complaint to YouTube. We will review your submission shortly.

Here is the information you filled in:

Copyright Owner Name (Company Name if applicable): Deckstar Your Full
Legal Name (Aliases, usernames or initials not accepted): Ben Rodriguez
Your Title or Job Position (What is your authority to make this complaint?):
Marketing Director Address: 8671 Wilshire Blvd Suite 400 Beverly Hills, CA
90211 US Username: Ben Rodriguez Email Address: benrod1@gmail.com
Phone: [310-207-1037](tel:310-207-1037)

- URL of allegedly infringing video to be removed:
http://www.youtube.com/watch?v=YZGbQ8iKU_I
- Describe the work allegedly infringed: My
company, organization or client's original song

- Title of original song: The Smashing Pumpkins - The Pelican And The Snipe
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=gfYGFpSwQZw>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Without You
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=P1Ytdo4ttOw>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Perfect
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=tIFCfyeBbrI>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Dorian
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=jKqzEKOgJtw>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Burnt Orange-Black (acoustic)

- Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=cWZSywzOor0>
- Describe the work allegedly infringed: My company, organization or client's original song
 - Title of original song: The Smashing Pumpkins - Cardinal Rule
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
http://www.youtube.com/watch?v=Lc_uRqAYESk
- Describe the work allegedly infringed: My company, organization or client's original song
 - Title of original song: The Smashing Pumpkins - The Tracer
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=kTEBbpa-0eQ>
- Describe the work allegedly infringed: My company, organization or client's original song
 - Title of original song: The Smashing Pumpkins - Muzzle (demo take)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
http://www.youtube.com/watch?v=Fz8T_8CWx9E
- Describe the work allegedly infringed: My company, organization or client's original song
 - Title of original song: The Smashing Pumpkins - X.Y.U. (outtake)
 - Where does the content appear? Entire video

Country where copyright applies: US

I state UNDER PENALTY OF PERJURY that:

- I am the owner, or an agent authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
- This notification is accurate.
- I acknowledge that under Section 512(f) of the DMCA any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability for damages.
- I understand that abuse of this tool will result in termination of my YouTube account.

Authorized Signature: Ben Rodriguez

Sincerely,

— The YouTube Team

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--
Best Regards,
Ben Rodriguez
Mobile: 619.502.0762
AIM: benrodd1
Skype: benrod10

Richard Mooney

From: Les Watkins
Sent: Wednesday, March 16, 2016 4:13 PM
To: Richard Mooney
Subject: FW: Copyright Infringement Notification Confirmation

From: Ben Rodriguez [mailto:benrod1@gmail.com]
Sent: Wednesday, March 16, 2016 3:20 PM
To: Les Watkins <les.watkins@rimonlaw.com>
Cc: B-Rod3000 Rodriguez <ben@deckstar.com>
Subject: Fwd: Copyright Infringement Notification Confirmation

----- Forwarded message -----

From: YouTube Service <noreply@youtube.com>
Date: Wed, Mar 16, 2016 at 11:54 AM
Subject: Copyright Infringement Notification Confirmation
To: ElectricFactoryHQ@gmail.com



Copyright Infringement Notification Confirmation

Thank you for taking the time to submit your copyright complaint to YouTube. We will review your submission shortly.

Here is the information you filled in:

Copyright Owner Name (Company Name if applicable): Deckstar Your Full Legal Name (Aliases, usernames or initials not accepted): Ben Rodriguez Your Title or Job Position (What is your authority to make this complaint?): Marketing Director Address: 8671 Wilshire Blvd Suite 400 Beverly Hills, CA 90211 US Username: ElectricFactoryTV Email Address: ElectricFactoryHQ@gmail.com Phone: [310-207-1037](tel:310-207-1037)

- URL of allegedly infringing video to be removed: http://www.youtube.com/watch?v=4_t8NIhJq9s
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Identify (demo)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
http://www.youtube.com/watch?v=Tvu_00bfNvk
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Where Boys Fear to Tread (rough demo)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=LPCVNCC-YV8>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Unknown Song Title DEMO
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=juB6VluZb6U>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Home (alt.)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=EBp-ZaKL2V8>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - X.Y.U. (outtake)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
http://www.youtube.com/watch?v=Djlv_M4aWwE
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Without You (electric demo)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=JlkltlqUcrU>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Glass and the Ghost Children (alt)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=DqAeq3bIn6U>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Blue Skies Bring Tears (alt)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=SdvsgG3D558>
- Describe the work allegedly infringed: My company, organization or client's original song

- Title of original song: The Smashing Pumpkins - Raindrops + Sunshowers (alt.)
 - Where does the content appear? Entire video
- URL of allegedly infringing video to be removed:
<http://www.youtube.com/watch?v=UGg9Kogm0QE>
- Describe the work allegedly infringed: My company, organization or client's original song
 - Title of original song: The Smashing Pumpkins - Cottonwood Symphony (demo)
 - Where does the content appear? Entire video

Country where copyright applies: US

I state UNDER PENALTY OF PERJURY that:

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Authorized Signature: Ben Rodriguez

Sincerely,

— The YouTube Team

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Best Regards,

Ben Rodriguez

Mobile: 619.502.0762

AIM: benrodd1

Skype: benrod10